

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**SAMUEL LYDELL CAPNORD**

**PLAINTIFF**

**v.**

**CIVIL ACTION NO. 4:15-CV-168-DMB-SAA**

**FRED'S**

**DEFENDANT**

**ORDER**

*Pro se* plaintiff Samuel Lydell Capnord has filed an untitled motion for the court or grand jury to subpoena defendant's prior EEOC discrimination violations and lawsuit settlement history. Docket 18. Plaintiff also requests a copy of the surveillance video of the incident that is the basis of the lawsuit. Defendant has not responded to plaintiff's motion.

As explained in a previous order of the court, docket 15, there are two types of legal proceedings: criminal and civil. The Fifth Amendment to the constitution provides in part that "[n]o person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury." U.S. Const. amend. V. As such, a grand jury operates solely on the criminal side of legal matters, not the civil side. Because a grand jury operates only in criminal matters, a grand jury is not a mechanism, mess less a form of relief, available to a civil plaintiff. For this reason, the plaintiff is not entitled to have the grand jury issue subpoenas in this case.

As to plaintiff's request that the court issue subpoenas for defendant's prior EEOC discrimination violations and lawsuit settlement history, the court declines to do so. Plaintiff is entitled to request from defendant all non-privileged and discovery that is relevant to any party's claim or defense. Fed.R.Civ.Pro. 26(b)(1). Plaintiff is directed specifically to Rules 26 through

37 of the Federal Rules of Civil Procedure and Rule 26 of the Local Uniform Civil Rules for instructions on how to appropriately proceed with the discovery process. Plaintiff is reminded that, even though he is a *pro se* plaintiff, he is expected to abide by all applicable Federal Rules and the Local Rules of this court. It is

**ORDERED:**

That plaintiff's untitled motion is **DENIED**.

THIS, the 10<sup>th</sup> day of February, 2016.

/s/ S. Allan Alexander.  
UNITED STATES MAGISTRATE JUDGE